

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CIVIL NO. 1:05CV90

FILED
ASHEVILLE, N. C.

JAN - 5 2006

U.S. DISTRICT COURT
W. DIST. OF N. C.

Budget Pest Prevention, Inc., individually
and on behalf of persons similarly situated,

Plaintiff

vs.

Bayer Corporation, Bayer Cropscience, L.P.,
and BASF Corporation

Defendants.

**CONSENT ORDER
REGARDING EXPERT
DISCOVERY**

Pursuant to a Consent Motion filed and granted it is hereby ORDERED, by and
with the consent of all parties, as follows:


1. The purpose of this Order is to shield from discovery the collaborative
process involved in preparing the written report and testimony of a witness who is
retained or specially employed to provide expert testimony in this case, including
communication among experts who are not employees of a party, their staffs and counsel;

2. No preliminary or draft report of such retained or specially employed
expert witness shall be subject to discovery. Except to the extent that such a
communication conveys factual information upon which such witness actually relied in
forming his or her opinions, no communication between or among any such witness,
and/or any other expert, and/or the staff, agents or employees of such witness or of any
other expert, and/or counsel for any party, shall be subject to discovery;

3. Discovery with respect to an expert witness who is a present or former employee of a party shall not be subject to the foregoing limitations; and

4. Except as provided herein, discovery with respect to expert witnesses shall be governed by the Federal Rules of Civil Procedure.

This the 30th day of December, 2005



DENNIS L. HOWELL
MAGISTRATE JUDGE